UNITED NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/79/Add.41
3 August 1994

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Burundi

1. In the light of past and continuing events in Burundi affecting the human rights guaranteed by the International Covenant on Civil and Political Rights, and in accordance with article 40, paragraph 1 (b), of the Covenant, the Committee requested the Government of Burundi on 29 October 1993 to submit a report, not later than 31 January 1994, if necessary in summary form, describing in particular the implementation of articles 4, 6, 7, 9, 12 and 25 of the Covenant during the current period, for consideration by the Committee at its fiftieth session.

2. At its fiftieth session, the Committee noted that the report requested had not been submitted by the Government of Burundi and, through its Chairman, asked for it to be submitted to the Committee for consideration at its fifty-first session. In response to this request, the Government of Burundi submitted a report on 12 July 1994 (CCPR/C/98) which was considered by the Committee at its 1349th and 1350th meetings on 25 July 1994. The Committee adopted 1/ the following comments:

A. Introduction

3. The Committee thanks the State Party for its report and welcomes the presence before the Committee of a high-level delegation. The Committee notes with regret, however, that while providing some information on the

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1/ At the 1355th meeting, held on 28 July 1994.

implementation of articles 4, 6, 7, 9, 12 and 25 of the Covenant, the report does not contain enough information on the situation obtaining in the country and the difficulties affecting the application of the Covenant. The information provided orally by the delegation made good those deficiencies and provided the Committee with a better insight into the human rights situation in Burundi.

B. Factors and difficulties affecting the application of the Covenant

4. The Committee notes that, since its accession to independence, Burundi has regularly had to contend with serious conflicts between the Hutu majority and the Tutsi minority, largely attributable to socio-political difficulties inherited from the past. Those conflicts, particularly the most recent one in autumn 1993, following the assassination of the President of the Republic, have been marked by gross violations of human rights. The lack of effective measures following such events, as well as the de facto impunity enjoyed, regardless of rank, by members of the army, police, gendarmerie, security forces or administration responsible for serious violations of human rights, are obstacles to the restoration of lasting peace and to the halting of the cycle of violence between the Hutu majority and the Tutsi minority.

5. The dominance in the army, the police, the gendarmerie, the security forces, the judicial system and, generally, in the most senior civil-service posts of persons belonging to a minority group is a factor constantly and seriously affecting the application of the Covenant and one which continually arouses the fears of the majority of the population. The recent unrest on an unprecedented scale in a neighbouring country (Rwanda), which has resulted in a massive influx of refugees into Burundi, is a further difficulty likely to have extremely negative effects on the application of the Covenant in that country.

C. Positive aspects

6. The authorities have made an effort to consider a number of measures to restore civil peace and harmony among the various elements of the Burundi population, although those efforts do not for the time being seem to have had concrete effects.

7. The Committee also notes that foreign non-governmental organizations have been allowed to conduct inquiries into human rights violations in Burundi without hindrance.

D. Principal subjects of concern

8. The Committee deplores the massacres following clashes between Hutu and Tutsi that have occurred in Burundi since its consideration of the initial report in October 1992, and the increasingly serious obstacles to the peaceful coexistence of the various elements of the Burundi population. The attempts to restore civil peace, to assuage the tensions of daily life in society and to redress the balance in the various State institutions, particularly the army, the police, the gendarmerie, the security forces and the judiciary, so as to make them more representative of the various elements of the population, have clearly failed.

9. The Committee deplores the pattern of gross violations of human rights in the form of numerous summary executions, disappearances and instances of torture which occurred following the events of autumn 1993. The army, the police, the gendarmerie and the security forces have continued to be responsible for many violations of human rights. The civilian population continues to be armed and further violations of human rights are to be feared.

10. The Committee deplores the lack of any inquiry into the above-mentioned violations. As a result, the perpetrators have remained unpunished and continue to perform, and sometimes to abuse, their functions in the army, police, gendarmerie or security forces. The victims or their families have received no compensation of any kind. The judiciary has shown itself incapable of carrying out its duties independently and impartially and has been unable to initiate the necessary investigations or bring those responsible to trial. Furthermore, the fact that the commissions of inquiry recently set up to identify those responsible for human rights violations consist of individuals belonging to only one of the country's population groups is a source of serious concern and has served only to shake the population's confidence in the authorities and exacerbate strife and violence between the various population groups.

11. The Committee deplores the fact that the provisions of the Covenant not referred to in the Committee's decision have also been the subject of serious violations. In particular, the use of the media to incite hostility and violence among the various population groups constitutes a clear violation of the provisions of article 20 of the Covenant.

E. Suggestions and recommendations

12. The Committee urges the State party to initiate without delay a process of national reconciliation. This process should be accompanied by various specific measures, such as the establishment of commissions of inquiry made up of members of each of the country's population groups. Impartial foreign observers could participate in the inquiries in order to identify those responsible for gross violations of human rights in the autumn of 1993, to bring them to trial and punish them, and to remove all persons involved in such crimes from the various State bodies, particularly the army, the police, the gendarmerie and the security forces. The victims and their families should also be compensated.

13. The Committee suggests using the media to promote national reconciliation and harmony among Burundi's various population groups. Strenuous efforts should be made to educate and inform the whole of Burundi society regarding human rights. This campaign should take account of Burundi's traditions and customs, including the role of mothers in educating their children.

14. The Committee believes that it is essential to take urgent measures to reorganize public institutions, so as to ensure balanced participation by all population groups in the conduct of public affairs and to permit all citizens, without distinction, to have access to public service, in the administration, the army, the police, the gendarmerie, the security forces and the judiciary. In addition, the Committee considers that the army should be brought under the effective control of the civilian authorities. The judiciary and the civil

service should also be opened immediately to those groups, so that they can be seen by the population to be impartial and representative of the population as a whole and in order to restore some degree of public confidence in national institutions.

15. In view of the considerable difficulties encountered by the State party in implementing the Covenant, the gross violations of human rights which occurred in autumn 1993, and the serious danger of a recurrence of such violations, the Committee is of the view that, in its efforts at internal pacification and national reconciliation, Burundi should receive the resolute support of the international community.

16. The Committee recommends that the High Commissioner for Human Rights should continue to make strenuous efforts to help Burundi avoid any future recurrence of gross violations of human rights, for example, by encouraging the establishment of international investigation machinery.

17. The Committee encourages the High Commissioner for Human Rights and the United Nations Centre for Human Rights in their efforts to provide advisory services and technical assistance in the field of human rights.

18. The Committee, for its part, is ready to respond constructively to any appropriate request for assistance by the Government of Burundi, provided that it is clear and accompanied by a firm resolve on the part of the Government to adopt the measures necessary for the effective implementation of the Covenant.